

Notice of Allowability

Application No.

09/437,554

Examiner

Marc A Patterson

Applicant(s)

SANDSTROM ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/27/04.
2. ☒ The allowed claim(s) is/are 1-4,6,10-24,26,30-44,46,50,78-85,90-91.
3. ☒ The drawings filed on 1/29/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/28/03, 3/1/02, 2/28/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8/30/04
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael Ferrell on August 30, 2004.

The application has been amended as follows:

Cancel Claims 9, 29, 48, 77.

Delete Claim 1, which currently reads as follows:

-- An injection blow – molded tumbler formed from a polymeric material comprising: (a) a base defining a base diameter forming the bottom of said tumbler, the base also defining an outer edge thereof; (b) a sidewall integrally formed with said base extending upwardly from the outer edge thereof defining about its upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous solid polymer bead; wherein said fortified rim has a thickness from about 1.5 to about 6 times the thickness of the adjacent portion of said sidewall and wherein the volume of the injection blow – molded tumbler is from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared, and wherein further the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. --

And substitute Claim 1 as follows:

Art Unit: 1772

-- An injection blow – molded tumbler formed from a polymeric material including a copolymer of styrene and butadiene comprising: (a) a base defining a base diameter forming the bottom of said tumbler, the base also defining an outer edge thereof; (b) a sidewall integrally formed with said base extending upwardly from the outer edge thereof defining about its upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous solid polymer bead; wherein said fortified rim has a thickness from about 1.5 to about 6 times the thickness of the adjacent portion of said sidewall and wherein the volume of the injection blow – molded tumbler is from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared, and wherein further the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. --

Delete Claim 2, which currently reads as follows:

-- An injection blow – molded tumbler formed from a polymeric material comprising: (a) a base defining a base diameter forming the bottom of said tumbler, the base also defining an outer edge thereof; (b) a sidewall integrally formed with said base extending upwardly from the outer edge thereof having a thickness of from 5 to about 50 mils defining about its upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous solid polymer bead; (c) said sidewall extending upwardly with a taper of from about 1.0 to about 4.5 degrees, and wherein said fortified rim has a thickness from about 1.5 to about 6 times the thickness of the adjacent portion of said sidewall and wherein the volume of the injection blow – molded tumbler

Art Unit: 1772

is from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared, and wherein further the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. --

And substitute Claim 2 as follows:

-- An injection blow – molded tumbler formed from a polymeric material including a copolymer of styrene and butadiene comprising: (a) a base defining a base diameter forming the bottom of said tumbler, the base also defining an outer edge thereof; (b) a sidewall integrally formed with said base extending upwardly from the outer edge thereof having a thickness of from 5 to about 50 mils defining about its upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous solid polymer bead; (c) said sidewall extending upwardly with a taper of from about 1.0 to about 4.5 degrees, and wherein said fortified rim has a thickness from about 1.5 to about 6 times the thickness of the adjacent portion of said sidewall and wherein the volume of the injection blow – molded tumbler is from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared, and wherein further the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. --

Delete Claim 10, which currently reads as follows:

-- An injection blow – molded tumbler formed from a polymeric material comprising: (a) a base defining a base diameter forming the bottom of said tumbler, the base also defining an outer edge thereof; (b) a sidewall integrally formed with said base extending upwardly from the

Art Unit: 1772

outer edge thereof having a thickness of from 5 to about 50 mils defining about its upper extremity an opening having a diameter generally longer than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous solid polymer bead; (c) the volume of the injection blow – molded tumbler being from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared; wherein said fortified rim has a thickness of from about 1.5 to about 6 times the thickness of the adjacent portion of said sidewall and wherein said tumbler has a taper from about 1.0 to about 4.5 degrees, and (d) wherein further the sidewall is provided with a molded in design comprising a series of triangular ridges deeper in dimension than the wall caliper thus providing strength by way of corrugation and having a wall thickness the same as the rest of the tumbler, and the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. --

And substitute Claim 10 as follows:

-- An injection blow – molded tumbler formed from a polymeric material including a copolymer of styrene and butadiene comprising: (a) a base defining a base diameter forming the bottom of said tumbler, the base also defining an outer edge thereof; (b) a sidewall integrally formed with said base extending upwardly from the outer edge thereof having a thickness of from 5 to about 50 mils defining about its upper extremity an opening having a diameter generally longer than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous solid polymer bead; (c) the volume of the injection blow – molded tumbler being from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared; wherein said fortified rim has a thickness of from about 1.5 to about

Art Unit: 1772

6 times the thickness of the adjacent portion of said sidewall and wherein said tumbler has a taper from about 1.0 to about 4.5 degrees, and (d) wherein further the sidewall is provided with a molded in design comprising a series of triangular ridges deeper in dimension than the wall caliper thus providing strength by way of corrugation and having a wall thickness the same as the rest of the tumbler, and the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. --

Delete Claim 16, which currently reads as follows:

-- An injection blow – molded tumbler formed of an optically clear polymeric material comprising: (a) a substantially circular base portion defining a base diameter, the base portion also defining an outer edge; (b) substantially cylindrical sidewall extending upwardly from the outer edge of the base portion having a thickness of from about 5 to about 50 mils defining about it upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous slid polymer bead; said sidewall extending upwardly with an angular taper with its central axis of from about 1.0 to about 4.5 degrees; said fortified rim having a thickness of from about 1.5 to about 6 times the thickness of the adjacent portion of said sidewall; said sidewall further including a pattern which alters the cylindrical character thereof over at least a portion of said sidewall which pattern is operative as a grip portion for a user and wherein the volume of the injection blow – molded tumbler is from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared, and the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. --

Art Unit: 1772

And substitute Claim 16 as follows:

-- An injection blow – molded tumbler formed of an optically clear polymeric material including a copolymer of styrene and butadiene comprising: (a) a substantially circular base portion defining a base diameter, the base portion also defining an outer edge; (b) substantially cylindrical sidewall extending upwardly from the outer edge of the base portion having a thickness of from about 5 to about 50 mils defining about its upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous slid polymer bead; said sidewall extending upwardly with an angular taper with its central axis of from about 1.0 to about 4.5 degrees; said fortified rim having a thickness of from about 1.5 to about 6 times the thickness of the adjacent portion of said sidewall; said sidewall further including a pattern which alters the cylindrical character thereof over at least a portion of said sidewall which pattern is operative as a grip portion for a user and wherein the volume of the injection blow – molded tumbler is from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared, and the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. --

Delete Claim 22, which currently reads as follows:

-- An injection blow – molded tumbler formed of a polymeric material comprising: (a) a base defining a base diameter forming the bottom of said tumbler, the base also defining an outer edge thereof; (b) a sidewall integrally formed with said base extending upwardly from the outer edge having a thickness of from 5 to about 50 mils defining about its upper extremity an opening

Art Unit: 1772

having a diameter generally larger than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous solid polymer bead; said sidewall extending upwardly with a taper of from about 2.5 to about 10 degrees; wherein said fortified rim has a thickness from about 1.5 to about 6 times the thickness of the adjacent portion of said sidewall; and wherein the volume of the injection blow – molded tumbler is from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared, and wherein further the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. --

And substitute Claim 22 as follows:

-- An injection blow – molded tumbler formed of a polymeric material including a copolymer of styrene and butadiene comprising: (a) a base defining a base diameter forming the bottom of said tumbler, the base also defining an outer edge thereof; (b) a sidewall integrally formed with said base extending upwardly from the outer edge having a thickness of from 5 to about 50 mils defining about its upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous solid polymer bead; said sidewall extending upwardly with a taper of from about 2.5 to about 10 degrees; wherein said fortified rim has a thickness from about 1.5 to about 6 times the thickness of the adjacent portion of said sidewall; and wherein the volume of the injection blow – molded tumbler is from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared, and wherein further the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. -

Art Unit: 1772

Delete Claim 30, which currently reads as follows:

-- An injection blow – molded tumbler formed of an optically clear polymeric material comprising: (a) a base defining a base diameter forming the bottom of said tumbler, the base also defining an outer edge thereof; (b) a sidewall integrally formed with said base extending upwardly from the outer edge thereof having a thickness of from 5 to about 50 mils defining about its upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous solid polymer bead; the volume of the injection blow – molded tumbler being from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared; wherein said fortified rim has a thickness of from about 1.5 to about 6 times the thickness of the adjacent portion of said sidewall over a height of at least 2 mils; and (c) wherein further the sidewall is provided with a design comprised of wall embossments of at least as prominent as $\frac{1}{2}$ the caliper of the sidewall, and the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. --

And substitute Claim 30 as follows:

-- An injection blow – molded tumbler formed of an optically clear polymeric material including a copolymer of styrene and butadiene comprising: (a) a base defining a base diameter forming the bottom of said tumbler, the base also defining an outer edge thereof; (b) a sidewall integrally formed with said base extending upwardly from the outer edge thereof having a thickness of from 5 to about 50 mils defining about its upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous solid polymer bead; the volume of the injection

Art Unit: 1772

blow – molded tumbler being from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared; wherein said fortified rim has a thickness of from about 1.5 to about 6 times the thickness of the adjacent portion of said sidewall over a height of at least 2 mils; and (c) wherein further the sidewall is provided with a design comprised of wall embossments of at least as prominent as $\frac{1}{2}$ the caliper of the sidewall, and the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby.

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Delete Claim 36, which currently reads as follows:

-- An injection blow – molded tumbler formed of an optically clear polymeric material comprising: (a) a substantially circular base portion defining a base diameter, the base portion also defining an outer edge; (b) a substantially cylindrical sidewall extending upwardly from the outer edge of the base portion having a thickness of from 5 to about 50 mils defining about its upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous solid polymer bead; said sidewall extending upwardly with an angular taper with its central axis of from about 4.5 to about 10 degrees; said fortified rim having a thickness of from about 1.5 to 6 times the thickness of the adjacent portion of said sidewall; said sidewall further including a pattern which alters the cylindrical character thereof over at least a portion of said sidewall which pattern is operative as a grip for a user, and (c) wherein further the pattern comprises wall embossments at least as prominent as $\frac{1}{2}$ the caliper of the sidewall, and the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. --

Art Unit: 1772

And substitute Claim 36 as follows:

-- An injection blow – molded tumbler formed of an optically clear polymeric material including a copolymer of styrene and butadiene comprising: (a) a substantially circular base portion defining a base diameter, the base portion also defining an outer edge; (b) a substantially cylindrical sidewall extending upwardly from the outer edge of the base portion having a thickness of from 5 to about 50 mils defining about its upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous solid polymer bead; said sidewall extending upwardly with an angular taper with its central axis of from about 4.5 to about 10 degrees; said fortified rim having a thickness of from about 1.5 to 6 times the thickness of the adjacent portion of said sidewall; said sidewall further including a pattern which alters the cylindrical character thereof over at least a portion of said sidewall which pattern is operative as a grip for a user, and (c) wherein further the pattern comprises wall embossments at least as prominent as $\frac{1}{2}$ the caliper of the sidewall, and the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. --

Delete Claim 42, which currently reads as follows:

-- An injection blow – molded tumbler formed of a polymeric material comprising: (a) a base defining a base diameter forming the bottom of said tumbler, the base also defining an outer edge thereof; (b) a sidewall integrally formed with said base extending upwardly from the outer edge thereof having a thickness of from 5 to about 50 mils defining about its upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim

Art Unit: 1772

integrally formed with the sidewall in the form of a continuous solid polymer bead; said sidewall extending upwardly with a taper of from about 1 to about 10 degrees; wherein said fortified rim has a thickness from about 1.5 to about 6 times the thickness of the adjacent portion of said sidewall, said tumbler defining a volume of at least about 16 fluid ounces wherein the volume of the injection molded tumbler is from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared, and wherein further the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. -

And substitute Claim 42 as follows:

-- An injection blow -- molded tumbler formed of a polymeric material including a copolymer a styrene and butadiene comprising: (a) a base defining a base diameter forming the bottom of said tumbler, the base also defining an outer edge thereof; (b) a sidewall integrally formed with said base extending upwardly from the outer edge thereof having a thickness of from 5 to about 50 mils defining about its upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous solid polymer bead; said sidewall extending upwardly with a taper of from about 1 to about 10 degrees; wherein said fortified rim has a thickness from about 1.5 to about 6 times the thickness of the adjacent portion of said sidewall, said tumbler defining a volume of at least about 16 fluid ounces wherein the volume of the injection molded tumbler is from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared, and wherein further the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby.--

Delete Claim 50, which currently reads as follows:

-- An injection blow – molded disposable tumbler of an optically clear polymeric material comprising: (a) a base defining a base diameter forming the bottom of said tumbler, the base also defining an outer edge thereof; (b) a sidewall integrally formed with said base extending upwardly from the outer edge having a thickness of from about 5 to about 50 mils defining about its upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim integrally formed with the sidewall in the form of a continuous solid polymer bead; the volume of said injection molded tumbler being from about 1.5 to 4 times the volume of an injection molded parison from which it was prepared and said tumbler defining a volume of from about 16 – 20 fluid ounces; wherein said fortified rim has a thickness from about 1.5 to 6 times the thickness of the adjacent portion of said sidewall; and wherein said tumbler has a taper from about 2.5 to about 10 degrees, and wherein further the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. --

And substitute Claim 50 as follows:

-- An injection blow – molded disposable tumbler of an optically clear polymeric material including a copolymer of styrene and butadiene comprising: (a) a base defining a base diameter forming the bottom of said tumbler, the base also defining an outer edge thereof; (b) a sidewall integrally formed with said base extending upwardly from the outer edge having a thickness of from about 5 to about 50 mils defining about its upper extremity an opening having a diameter generally larger than the base diameter provided with a fortified rim integrally formed

Art Unit: 1772

with the sidewall in the form of a continuous solid polymer bead; the volume of said injection molded tumbler being from about 1.5 to 4 times the volume of an injection molded parison from which it was prepared and said tumbler defining a volume of from about 16 – 20 fluid ounces; wherein said fortified rim has a thickness from about 1.5 to 6 times the thickness of the adjacent portion of said sidewall; and wherein said tumbler has a taper from about 2.5 to about 10 degrees, and wherein further the sidewall defines a substantially straight profile extending between the base and the upper opening defined thereby. --

Delete Claim 78, which currently reads as follows:

-- The injection blow – molded tumbler according to Claim 77, wherein the amount of butadiene residue in said copolymer is from about 2 to about 40 percent by weight.--

And substitute Claim 78 as follows:

-- The injection blow – molded tumbler according to Claim 1, wherein the amount of butadiene residue in said copolymer is from about 2 to about 40 percent by weight.--

Delete Claim 79, which currently reads as follows:

-- The injection blow – molded tumbler according to Claim 77, wherein the amount of butadiene residue in said copolymer is from about 15 to about 30 percent by weight.--

And substitute Claim 79 as follows:

-- The injection blow – molded tumbler according to Claim 1, wherein the amount of butadiene residue in said copolymer is from about 15 to about 30 percent by weight.--

Art Unit: 1772

Delete Claim 80, which currently reads as follows:

-- The injection blow – molded tumbler according to Claim 77, wherein said tumbler consists essentially of styrene – butadiene copolymer blended with styrene.--

And substitute Claim 80 as follows:

-- The injection blow – molded tumbler according to Claim 1, wherein said tumbler consists essentially of styrene – butadiene copolymer blended with styrene.--

Delete Claim 81, which currently reads as follows:

-- The injection blow – molded tumbler according to Claim 77, wherein said polymeric material consists of a blend of polystyrene with a copolymer of styrene and butadiene.--

And substitute Claim 81 as follows:

-- The injection blow – molded tumbler according to Claim 1, wherein said polymeric material consists of a blend of polystyrene with a copolymer of styrene and butadiene.--

2. The following is an examiner's statement of reasons for allowance: The prior art of record discloses an injection blow – molded tumbler formed from a polymeric material, but fails to disclose an injection blow – molded tumbler formed from a polymeric material including a copolymer of styrene and butadiene wherein the volume of the injection blow – molded tumbler is from about 1.5 to about 4 times the volume of an injection molded parison from which it was prepared. The copolymer of styrene and butadiene provides the tumbler with an unexpectedly high impact resistance as shown in Table 6 of the specification. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid

Art Unit: 1772

processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (571) 272 – 1497. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571) 272 – 1498. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217 – 9197 (toll – free).

Marc A. Patterson, PhD.

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8/31/04